

## Sample 3: Affidavit in support of a request for a decision by default

QCAT

Queensland Civil and Administrative Tribunal

### Instructions for completing

## Affidavit in support of a request for a decision by default

#### General instructions

##### Copies of the affidavit and providing copies to other parties

Only one copy of this affidavit supporting a request for a default decision and all attachments needs to be lodged.

**Important note:** Do not use this form if you are applying for an electronic decision by default.

##### Affidavits must be lodged

The affidavit must be lodged at the same Magistrates Court or QCAT registry at which you filed the original application.

#### PART A

If there is insufficient space for the names of either applicant or respondent, you may attach additional pages with similar details.

#### PART D SIGNATURE

Please sign in the presence of a person who is authorised by the *Oaths Act 1867* to take an affidavit:

- (a) a justice, commissioner for declarations or notary public under the law of the State, the Commonwealth or another State,
- (b) a lawyer,
- (c) a conveyancer, or another person authorised to administer an oath, under the law of the state, the Commonwealth or another state,
- (d) if the affidavit is taken outside Australia — a person authorised to administer an oath under the law of the place in which the affidavit is taken.

Each page must be signed.

For more information on QCAT: Call 1300 753 228 or visit [www.qcat.qld.gov.au](http://www.qcat.qld.gov.au)

Sample 3: Affidavit in support of a request for a decision by default cont'd

**QCAT**  
Queensland Civil and Administrative Tribunal

## Affidavit in support of a request for a decision by default

Refer to attached instructions at the front of this form prior to filling out this form.

For office use only	
Case number:	
Date:	
Registry:	
Sent to:	

**PART A APPLICANT'S AND RESPONDENT'S DETAILS**

**Applicant**  
John Edward Gee

**Respondent**  
Mary Johanssen

**PART B CASE NUMBER**

**Case number**  
[ ]

**Registry**  
Brisbane

*John Gee*  
Person making affidavit to sign

*Karen Jones*  
Person taking the affidavit to sign

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Sample 3: Affidavit in support of a request for a decision by default cont'd

**PART C DETAILS**

1.   
*(insert full name of person making affidavit)*

of *(insert residential or business address, or place of employment)*

**Postcode**

state on oath / solemnly and sincerely affirm and declare:

**Complete 1 or 2 if you are the applicant:**

1. The respondent has not paid the amount claimed by me.  
 The amount of \$  remains owing to me.

2. The respondent has paid the following amounts to me in part satisfaction of this application.  
 Complete the table in number 5. The amount of \$  remains owing to me.

**Complete 3 or 4 if you are the solicitor/agent/director of the applicant:**

3. I have this day spoken with   
*(insert name and role of person)* being the person who has custody and control of the records of the applicant and they informed me and I believe that the respondent has not paid the amount claimed by the applicant.  
 The amount of \$  remains owing to the applicant.

4. I have this day spoken with   
*(insert name and role of person)* being the person who has custody and control of the records of the applicant and they informed me and I believe that the following amounts have been received from the respondent in part satisfaction of this application. Complete the table in number 5. The amount of \$  remains owing to the applicant.

5.

Date	Payment
DD/MM/YYYY	
DD/MM/YYYY	
DD/MM/YYYY	
DD/MM/YYYY	
DD/MM/YYYY	
DD/MM/YYYY	
DD/MM/YYYY	

*John Gee*

Person making affidavit to sign

*Karen Jones*

Person taking the affidavit to sign

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Sample 3: Affidavit in support of a request for a decision by default cont'd

**Warning**

Section 216 of the *Queensland Civil and Administrative Tribunal Act 2009* makes it an offence for a person to knowingly give the registry documents containing false or misleading information.  
Maximum penalty for such an offence – \$10,000.

**SIGNATURE**

Sworn (or affirmed) by (insert full name)

John Edward Gee

on 29 / 01 / 2012 at (place) Brisbane

in the presence of:

*John Gee*

Person making affidavit to sign

*Karen Jones*

Person taking the affidavit to sign

John E Gee

Print name

Commissioner for declarations / solicitor /  
justice of the peace

Affidavit in support of a request for a decision by default – page 3 of 3

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